

COHEN GREEN

March 15, 2023

Hon. Jennifer L. Rochon, U.S.D.J.
United States District Court, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

By Electronic Filing.

Re: Carol Lopez v. City of New York, et al., 20-cv-2502-LJL

Dear Judge Rochon:

My firm represents the Plaintiff in this matter. I write jointly with Defendants to ask the Court to (1) adjourn — to the extent it was not canceled already by the Order at ECF No. 90 — the conference set for March 20, 2023 at 10:00 a.m. (*see* ECF No. 84), (2) to ask for what we anticipate will genuinely be a final discovery extension, and (3) ask the Court to allow the parties to schedule a settlement conference before Judge Moses before the parties move into expert discovery (*see* ECF No. 34).¹

By way of brief explanation, the parties have calendared — and started — all depositions required to finish discovery in this matter. However, because of unexpected technical issues during both Plaintiff's and the lead Defendant's depositions, neither of those depositions has been completed. The parties did complete the deposition of Defendant Officer Gonzalez without issue, and that is almost certainly the only other deposition necessary in this case. The parties would calendar the balance of the two depositions before the current April 19, 2023 end of fact discovery, but Mr. Kalmbach has a trial beginning March 27, and will be on leave until at least April 10 — while Officer Saline is on leave the second week of April through April 19. Thus, finding a spot on the calendar to complete his deposition will likely not be possible.

We therefore ask the Court to grant an extension of 30 more days to complete that deposition, along with the balance of Ms. Lopez's deposition. As to (1) above, we believe the Court may have intended the Order at ECF No. 90 to fully supersede the Order at ECF No. 84, but ask to make that clear in an abundance of caution.

Finally, in order to avoid the costs of dueling experts on damages, the parties believe evaluating settlement with the assistance of Judge Moses after depositions are complete makes the most sense, and will be reaching out to attempt to schedule such a session. In order that the parties don't have to spend money on experts — and therefore potentially move into a position where settlement is more

¹ The parties will be separately reaching out to Judge Moses's Chambers as directed in ECF No. 34.



difficult because of sunk costs — we respectfully request to adjourn that portion of discovery *sine die*, to be rescheduled if settlement discussions are unsuccessful.

As always, we thank the Court for its time and consideration.

Respectfully submitted,

/s/

J. Remy Green

Honorific/Pronouns: Mx., they/their/them

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cc:

All relevant parties by ECF.